

**Minutes of the Regular Meeting Of The  
New Jersey Maritime Pilot and Docking Commission  
June 16, 2015**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, June 16, 2015 at One Penn Plaza East, 9<sup>th</sup> Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 11:08 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Ms. Stuckey introduced and welcomed Lisa Lebeouf, Esq. from the Governor's Authorities Unit.

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (present); Commissioner Jacob Shisha (present); Commissioner Charles E. Stapleton (absent); Commissioner Charles Wowkanech (absent).

Approval of the May 19, 2015 Meeting Minutes

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to approve the minutes of the May 19, 2015 meeting minutes. All voted in favor.

Resolution #15-19 to approve the June 2015 Treasurers Report

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass Resolution #15-19 to approve the June 2015 Treasurers Report. All voted in favor.

Executive Director Report

- A. Hudson River Update - Since the Commission's last meeting there has been no report of any transport jobs completed by New Jersey State Licensed Pilots.

Ms. Stuckey asked Captain Schoenlank to confirm that no jobs have been completed. He said he would check his records and let her know.

B. Staff Meeting with Investigators - Ms. Stuckey had her quarterly staff meeting on May 26, 2015. During that time, she discussed the Commissioner's feedback on the investigator's reports and their schedules for the summer. They were advised that moving forward they are required to appear at the board meetings to present their reports to the Commission. The reports that require any action against a pilot will be discussed in Executive Session.

C. Meeting with Coast Guard - Ms. Stuckey informed the Commission that the information sharing relationship with the Coast Guard has resumed. The Coast Guard has also expressed their desire to work cooperatively with the Commission on cases that they are both investigating.

Captain Mark Clark and Ms. Stuckey will hold a joint interview with the Coast Guard regarding the recent Sam Eagle incident, in which the buoy was sucked into the vessel's wheel and damaged. As in the past, The Coast Guard will defer to this Commission and not take any action against the pilot if the pilot is found negligent.

D. Harbor Tour & Inspection of New Pilot Station House - The Harbor Tour is scheduled for Friday, July 17, 2015. The tour will begin with a meeting at Edgewater Street at 10:30 AM to view the construction of the new Pilot Station House. The group will then board a motorboat to tour the Bayonne Bridge, Goethals Bridge, dredge zones and any other areas of interest. Members of the New York Commission, representatives from the Authorities Unit, and the DAG's office will also be in attendance.

E. Meeting with Cape Liberty Terminal - Ms. Stuckey has been invited to Miami to meet with Captain Antalis, Port Captain of Royal Caribbean Cruise Lines to discuss the safety concerns at the Cape Liberty Terminal. If it is okay with the Commissioners, Ms. Stuckey will confirm her attendance and secure her travel arrangements.

F. NY Opinion & Order KN Forest - A copy of the New York Commission's Opinion and Order on the KN Forest was provided to the Commissioners. Ms. Stuckey informed the

Commission that the New Jersey investigation is on today's agenda and will be reviewed in Executive Session.

- G. Proposed change in the New York Navigation Law regarding the Sandy Hook Pilot Capital Fund Surcharge - Ms. Stuckey provided the Commissioner's with a copy of the Senate Bill #5660. The bill proposes to increase the ceiling on the surcharge per vessel from \$125 to \$300. The ceiling has not been increased since 1999 and to date has not reached the \$125 limit. It is currently at \$120.

The Ad Hoc Committee is in support of the bill and will pose no opposition. Ms. Stuckey reminded the Commission that the surcharge is used to fund the replacement of marine assets and also to make marine repairs, such as the bulkhead that was destroyed during the hurricane. She noted that the surcharge is not being used to replace the new station house. Ms. Stuckey also noted that the increase in the ceiling does not automatically increase the current rate; it will still be done via the Joint Committee. Ms. Stuckey advised that Captain Schoenlank is here to answer any additional questions that the Commission may have.

- H. Pension Surcharge Meeting - The Committee will hold its quarterly meeting on June 25, 2015. Commissioner Shisha will attend in Commissioner Stapleton's stead. Ms. Stuckey will offer to host the meeting.
- I. Harbor Ops Meeting - There will be a Harbor Ops Meeting on Wednesday, June 17, 2015. A copy of the agenda was provided to all Commissioners. Ms. Stuckey asked the Commissioners to advise her of any items of particular interest that they would like her to focus on by close of business.
- J. Barbara Taylor Retirement Luncheon - Ms. Stuckey attended Barbara Taylor's retirement luncheon on June 11, 2015. Ms. Stuckey expressed to her the Commission's appreciation for the cooperative effort they have shared over the years.
- K. Andre's Vacation Schedule - Ms. Stuckey will begin her vacation on Monday, June 29<sup>th</sup> through July 2<sup>nd</sup>. She may have to work on June 30<sup>th</sup> for a pilot interview. Ms. Stuckey will also take vacation July 27<sup>th</sup> to July 31<sup>st</sup> and August 28<sup>th</sup> to September 4<sup>th</sup>.
- L. Future dates of interest -  
The Hermione Parade is scheduled for July 4<sup>th</sup>.

The Captain of the Port Change of Command ceremony will take place on July 17, 2015 at 10:00 AM at the U.S. Customs House. It will be a joint ceremony to include Captain Loebel's retirement ceremony.

The Grand Re-Opening of the Sandy Hook Pilot Station House is scheduled for October 2015.

#### Presentation of Certificate of Appointment to Adam Richardson

Ms. Stuckey advised the Commission that Adam Richardson asked to reschedule his appointment due to his work schedule. Ms. Stuckey explained to Mr. Richardson that by postponing his appointment, that his apprenticeship will not officially begin until August.

#### Swearing in of Graham Mergenthaler as a New Jersey State Deputy Maritime Pilot

Captain Graham Mergenthaler was sworn in as a New Jersey State Deputy Maritime Pilot by Commissioner McEwing.

Ms. Stuckey informed the Commission that Captain Mergenthaler scored very high on his exam and did an excellent job with his essays.

#### Resolution #15-20 to Approve the 2014 Annual Report

As requested, Ms. Stuckey met with each Commissioner individually prior to the meeting to discuss the changes requested in the report from the Authorities Unit. Based on those meetings the Commissioners agreed to adopt the report as amended with the following changes: Page 2, paragraph 2 is amended to read. . . "The Commission is unique in that it operates solely. . ." and "Despite trends, in 2014 the Commission managed to decrease its annual budget authority."

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #15-20 to approve the 2014 Annual Report as amended. All voted in favor.

#### Resolution #15-21 to Approve the Docking Pilot Apprentice Selection List

Commissioner Shisha informed the Commission that each of the candidates had a great educational background in the Maritime Industry and offered impressive experience. The

committee was really impressed, which made the decision very easy.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #15-21 to approve the Docking Pilot Apprentice Selection List. All voted in favor.

#### Public Comment(s)

Comment from Captain Richard Schoenlank, President Sandy Hook Pilots Association:

Captain Schoenlank advised that the Senate #5660 Bill is not supported by the Ad Hoc Committee; however they are aware of the bill and will not pose any opposition. The bill will probably not be addressed by the Senate until Fall 2015, since they are disbanding for the Summer.

Captain Schoenlank congratulated Captain Mergenthaler.

Captain Schoenlank, Flannery, and Zorovich have been meeting with the New York Shipping Association (NYSA) and the Port Authority to discuss the possibility of sending pilots to Vicksburg to simulate the arrival of the larger vessels coming into the port. The NYSA is trying to get funding from the vessel owners. He will keep the Commission apprised of the progress.

#### Committee Report

##### A. Investigation Committee:

- I. **STI Beryl** - June 14, 2014. This incident is still under investigation.
- II. **Hangin Newport** - October 4, 2014. This incident is still under investigation.
- III. **Maersk Chicago** - October 21, 2014. This incident is still under investigation.
- IV. **Hyundai Glory** - December 5, 2014. This incident is still under investigation.
- V. **Genuine Ace** - December 9, 2014. Investigator Mark Clark provided the Commission with a summary of the incident and his report. Ms. Stuckey recommended that the Commission find no fault on the parts of Captain Schnepf and Captain McAllister and the file closed. A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.
- VI. **Stolt Jade** - January 8, 2015. This incident is still under investigation.

- VII. **OOCL Vancouver** - February 7, 2015. Ms. Stuckey provided the commission with a summary of the incident and her report. Ms. Stuckey recommended that the Commission find no fault on the part of Captain O'Neil and the file closed. A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.
- VIII. **Singapore Express** - February 7, 2015. This incident is still under investigation.
- IX. **La Boheme** - February 25, 2015. This incident is still under investigation.
- X. **KN Forest** - March 9, 2015. (Executive Session) This incident was discussed in Executive Session.
- XI. **Axel Maersk** - March 28, 2015. This incident is still under investigation.
- XII. **M/V Mariposa** - May 15, 2015. Investigator Mark Clark provided the Commission with a summary of the incident and his report. Ms. Stuckey recommended that the Commission find no fault on the part of Captain Pinto and the file closed. A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.
- XIII. **MSC Kim** - May 19, 2015. This incident is still under investigation.
- XIV. **MSC Martina** - May 26, 2015. This incident is still under investigation.
- XV. **Cape Esmeralda** - May 29, 2015. (Executive Session) This incident was discussed in Executive Session.
- XVI. **Sam Eagle** - June 4, 2015. This incident is still under investigation.
- XVII. **Chem Antares** - June 9, 2015. This incident is still under investigation.

#### New Business

A. Article from American Shipper re: NY/NJ Ports Future View

Commissioner Dacey recommended that everyone read the "NY/NJ Ports Future View" article by Chris Dupin, found in Tab J of the Commission's agenda.

#### Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking

Pilot Commission may meet in closed session to discuss legal and personnel matters, and

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 11:37 AM.

#### Return to Public Session

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha that the Commission return to Public Session. All voted in favor.

The Commission returned to Public Session at 12:45 PM.

#### Resolution #15-22 to Approve the Request to Upgrade Maritime Pilot - Captain Harold F. Cavagnaro, III

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to approve the Resolution #15-22 to upgrade Captain Harold F. Cavagnaro, III. All voted in favor.

#### Opinion & Order in the Matter of Captain Steven Brown

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the amended Opinion & Order in the Matter of Captain Steven Brown. All voted in favor.

#### Opinion & Order in the Matter of Captain Edward Sweeney

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the amended Opinion & Order in the Matter of Captain Edward Sweeney. All voted in favor.

#### Adjournment

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 12:47 PM.